

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA  
AT ANCHORAGE

|                              |   |                           |
|------------------------------|---|---------------------------|
| ALASKA RENT-A-CAR, INC.,     | ) |                           |
| an Alaska Corporation,       | ) |                           |
|                              | ) |                           |
| Plaintiff,                   | ) |                           |
|                              | ) |                           |
| v.                           | ) |                           |
|                              | ) |                           |
| CENDANT CORPORATION, et al., | ) |                           |
|                              | ) |                           |
| Defendants.                  | ) | Case No. 3:03-cv-29 [TMB] |
| _____                        | ) |                           |

**ORDER REGARDING AUTHENTICATION OF BUSINESS  
RECORDS AND OTHER DOCUMENTS**

A discovery mediation was held on March 7–8, 2006, and the Discovery Master reached the following conclusions regarding documents:

1. Alaska Rent-A-Car filed DM 38 seeking to have a determination that documents produced by defendants are business records. The Discovery Master wants to have a procedure by which either party can secure the admission of business records, public records, or other documents for use at trial or for motion practice. However, the Discovery Master does not want the records depositions or other methods for authenticating records to be an impediment to the close of discovery in this case, or to either party's ability to present evidence to the Court or jury for either motion practice or trial.

All documents produced by the defendants and all documents produced by the plaintiff came from their files. If any party is going to object to any document submitted

in motion practice before the Court in support of any motion, cross motion, opposition or reply ("Pleading"), prior to filing a motion to strike or objection to use of any such document in connection with the Pleading, the objecting party shall notify the Discovery Master and the opposing party of the documents to which there is an objection and the basis of the objection. The Discovery Master will set forth an expedited procedure whereby the objecting party will be required to provide a witness to address the factual basis for any objection or motion to strike. In any case in regards to motion practice, either party shall be permitted to depose any person or party to establish the authenticity of any document or to establish facts necessary for use of any document in motion practice. Each party reserves their rights to object to admissibility of documents for purposes of trial. This procedure shall not delay the briefing with respect to any motion practice and as such, the objecting party must identify any objectionable documents to the Discovery Master and opposing party within five (5) business days (by email or fax) of receipt of any motion, cross motion, opposition or reply. The goal of this procedure is to avoid the filing of objections or motions to strike evidence during the motion-practice phase of the case, so as to reduce burden on the court.

2. If issues remain in the case after motion practice, the Master will establish procedures for the foundation and admissibility of documents and records including but not limited to records depositions.

IT IS SO ORDERED.

DATED: 4-11-06

  
\_\_\_\_\_  
DAVID B. RUSKIN  
Discovery Master

**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2006 a copy of foregoing  
Order Regarding Authentication of Business Records and other Documents  
was served electronically on Jon T. Givens, Diane F. Vallentine and on

John F. Dienelt  
DLA Piper Rudnick Gary Cary US LLP  
1200 Nineteenth Street NW  
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Barry M. Heller  
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by regular U.S. Mail

s/David B. Ruskin